

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

State of Iowa

v.

Abbott Laboratories Inc., et al.

)
) Judge Patti B. Saris
)
)
)
)

JULY 2011 STATUS REPORT FOR THE STATE OF IOWA

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for July 2011, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: July 5, 2011

Respectfully submitted,

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By: /s/ Joanne M. Cicala
Joanne M. Cicala

Counsel for the State of Iowa

July 2011 Status Report for the State of Iowa

Status Conference Hearing

At the June 22, 2011 status conference, plaintiff informed the Court that it has settled or has reached agreements in principle with all defendants except Sandoz. With respect to Sandoz, the Court set the following schedule:

1. Summary Judgment and Daubert Motions

All summary judgment and/or Daubert motions are due on or before September 30, 2011. All oppositions to the motions are due on or before October 31, 2011. *See* the Court's June 23, 2011 Electronic Notice of Set Deadlines.

2. Motion Hearing

A summary judgment and Daubert motion hearing as to defendant Sandoz is set for January 25, 2012 at 2:30pm EST. *See* the Court's June 23, 2011 Electronic Notice of Hearing.

With respect to the defendants with whom plaintiff has reached agreements in principle, the Court directed plaintiff to file a Notice of Proposed Settlement Order of Dismissal providing that claims against these defendants shall be dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action within ninety (90) days if settlement is not consummated. Plaintiff filed such Notice on June 27, 2011. The notice covers plaintiff's claims against the following defendants: Alparma, Inc., Purepac Pharmaceutical Co., Eli Lilly and Company, Endo Pharmaceuticals Inc., King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Merck & Co., Inc., Mylan Laboratories Inc., Mylan Pharmaceuticals Inc., UDL Laboratories Inc., Par Pharmaceutical Company Inc., Par Pharmaceutical Inc., Schering-Plough Corp., Schering Corporation, Warrick Pharmaceuticals Corporation, Watson Pharmaceuticals Inc., and Watson Pharma Inc. *See* Docket No. 7627, Sub-

docket No. 119.

Voluntary Dismissal of Claims

On April 14, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Tap Pharm. Products, Inc. n.k.a. Takeda Pharm. N.A., Inc. *See* Docket No. 7502, Sub-docket No. 112.

On April 15, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendant Novartis Pharmaceuticals Corp. *See* Docket No. 7505, Sub-docket No. 113.

On April 20, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendants Hoffman-La Roche, Inc. and Roche Laboratories, Inc. *See* Docket No. 7509, Sub-docket No. 115.

On June 28, 2011, plaintiff filed a stipulation of dismissal of claims against defendants Teva Pharmaceuticals USA, Inc., Novopharm USA, Inc., Barr Laboratories, Inc., Ivax Corp., Ivan Pharmaceuticals, Inc., and Sicor, Inc. *See* Docket No. 7628, Sub-docket 120.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 5th day of July, 2011, she caused a true and correct copy of the above July 2011 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: July 5, 2011

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